

Notice of Allowability

Application No.

10/698,461

Applicant(s)

ROBAR ET AL.

Examiner

Art Unit

Tom Y Lu

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the terminal disclaimer filed on 10/22/2004.
2. ☒ The allowed claim(s) is/are 1-24.
3. ☒ The drawings filed on 03 November 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

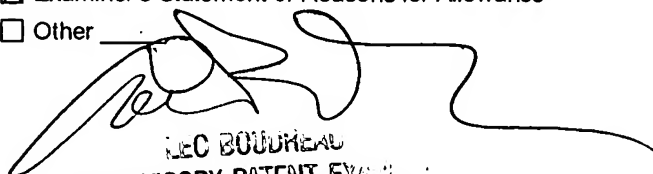
* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


JEC BOUDREAU
SUPERVISORY PATENT EXAMINER
BIOLOGY CENTER 2601

DETAILED ACTION

Response to Amendment

1. The written response filed on October 22, 2004 has been entered.
2. Claims 1-24 are pending.

Terminal Disclaimer

3. The terminal disclaimer filed on October 22, 2004 has been entered.
4. Upon entry of the terminal disclaimer, the rejection of claims 1-3, 7-8, 10-16, 19, 23 and 24 is now withdrawn.

EXAMINER'S AMENDMENT

5. The application has been amended as follows:

Please insert "now U.S. Patent No. 6,668,073" after "application No. 09/436,917 filed on 9 November 1999" in the specification, Paragraph [0001].

Allowable Subject Matter

6. Claims 1-24 are allowed.

The following is an examiner's statement of reasons for allowance:

- a. Independent Claim 1 defines a feature of cavity having walls, the walls including at least one translucent area which extends through at least one opaque area of the walls, the at least one translucent area configured to intersect edges of different sheets of film in a stack of sheets of film in the chamber at different locations. This feature in combination with other features in Claim 1, which is the broadest allowable claim, is not taught or suggested by the art of record.
- b. Claims 2-13 are dependent upon Claim 1.

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- c. Independent Claim 14 defines features of delivering the radiation to the body, allowing light to pass through translucent areas in walls of the cavity to expose a pattern of fiducial marks on edges of the multiple layers of film, the pattern being different for each of the multiple layers of film; using the patterns of fiducial marks exposed on the edges of the multiple layers of film to arrange the multiple dose images in sequence. These features in combination with other features in Claim 14, which is the broadest allowable claim, are not taught or suggested by the art of record.
- d. Claims 15-24 are dependent upon Claim 14.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tom Y Lu whose telephone number is (703) 306-4057. The examiner can normally be reached on 8:30AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo H Boudreau can be reached on (703) 305-4706. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tom Y. Lu

A handwritten signature in black ink, appearing to read "Leo Boudreau", written in a cursive style.

LEO BOUDREAU
SUPERVISORY PATENT EXAMINER-1
TECHNOLOGY CENTER 2600